

# **WILLKIE FARR & GALLAGHER LLP**

1875 K Street, NW  
Washington, DC 20006

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September 17, 2004

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
Room TW-325  
445 12<sup>th</sup> Street, S.W.  
Washington D.C. 20554

Re: Unbundled Access to Network Elements, Review of the Section 251 Unbundling  
Obligations of Local Exchange Carriers, WC Dkt. No. 04-313, CC Dkt. No. 01-338  
Submission of Acknowledgements Concerning Compliance with Protective Order

Dear Ms. Dortch:

On behalf of the Association for Local Telecommunications Services ("ALTS"), Time Warner Telecom, Inc. ("TWTC") and Conversent Communications ("Conversent"), in accordance with the procedures outlined in the Protective Order adopted on August 20, 2004 in the above-referenced proceedings,<sup>1</sup> I am submitting herewith copies of the Acknowledgements of Confidentiality executed by Thomas Jones and Jonathan Lechter of Willkie Farr & Gallagher LLP, outside counsel to ALTS, TWTC, and Conversent, and Jason Oxman, General Counsel of ALTS, who will require access to confidential versions of the filings of Verizon, Qwest, BellSouth, SBC and AT&T in the above referenced proceedings. A list of the parties from whom confidential materials are requested along with their respective in-house and outside counsel is attached. Each of these parties has been separately served, via fax and overnight mail, with this letter and signed Acknowledgements of Confidentiality. If confidential information from additional parties is sought, they will be served with Acknowledgements of Confidentiality as well.

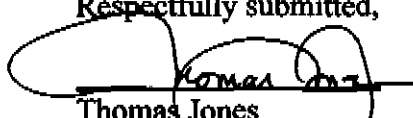
Although some of the listed parties have not yet filed confidential information in WC Docket 04-313, we request that, due to the truncated nature of this proceeding, that this filing begin the tolling of the five business day waiting period set out in paragraph 8 of the Protective Order so that counsel may gain access to the confidential information of the listed parties if and when such material is submitted.

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<sup>1</sup> See *Unbundled Access to Network Elements; Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, Order, DA 04-2603 (2004).

Please do not hesitate to call us at 202-303-1000 if any questions should arise in connection with this submission.

Respectfully submitted,



Thomas Jones  
Jonathan Lechter\*

**WILLKIE FARR & GALLAGHER LLP**  
1875 K Street, N.W.  
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(202) 303-1000

ATTORNEYS FOR ASSOCIATION FOR LOCAL  
TELECOMMUNICATIONS, TIME WARNER  
TELECOM, INC. AND CONVERSE  
COMMUNICATIONS

\*Admitted in Maryland only.

### **CERTIFICATE OF SERVICE**

I, Thomas Jones, do hereby certify that on this 17th day of September, 2004, I caused to be served a true and correct copy of the forgoing Acknowledgements by delivering copies thereof by overnight delivery and facsimile to the following:

<u>Outside Counsel for Verizon</u> Michael K. Kellogg Kellogg, Huber, Hanson, Todd & Evans, PLLC Sumner Square 1615 M St. N.W. Suite 400 Washington, D.C. 20036-3209 Fax: 202-326-7999	<u>Outside Counsel for SBC Communications Inc.</u> Michael K. Kellogg Kellogg, Huber, Hanson, Todd & Evans, PLLC Sumner Square 1615 M St. N.W. Suite 400 Washington, D.C. 20036-3209 Fax: 202-326-7999
<u>Inside Counsel for Verizon</u> Dee May Verizon 1300 I St. N.W. Suite 400 West Washington, D.C. 20006 Fax: 202-336-7922	<u>Inside Counsel for SBC Communications Inc.</u> David G. Cartwright SBC Telecommunications Inc. 1401 I St. N.W. Suite 1100 Washington, D.C. 20005 Fax: 202-408-4809
<u>Outside Counsel for Bellsouth Corporation</u> Jeffrey S. Linder Wiley Rein & Fielding LLP 1776 K St. N.W. Washington, D.C. 20006 Fax: 202-719-7049	<u>Outside Counsel for Qwest</u> Samir Jain Wilmer Cutler Pickering Hale & Dorr LLP 2445 M St. N.W. Washington, D.C. 20037 Fax: 202-663-6363
<u>Inside Counsel for BellSouth Corporation</u> Glenn T. Reynolds BellSouth Corporation 1133 21 <sup>st</sup> St. N.W. Suite 900 Washington, D.C. 20036- 3351 Fax: 202-463-4142	<u>Inside Counsel for Qwest</u> Melissa Newman Qwest 607 14 <sup>th</sup> St. N.W. Suite 950 Washington, D.C. 20005 Fax: 202-293-0561
<u>Outside Counsel for AT&amp;T</u> Michael J. Hunseder Sidley Austin Brown & Wood LLP 1501 K Street N.W. Washington, D.C. 20005 Fax: 202-736-8711	<u>Russell Hanser*</u> Wireline Competition Bureau Federal Communications Commission 445 12 <sup>th</sup> Street, S.W. Washington, D.C. 20554

<u>Inside Counsel for AT&amp;T</u> Joan Marsh AT&T Corp. Suite 1000 1120 20th Street NW Washington DC 20036 Fax: 202 457 3110	
Jeremy Miller * Assistant Division Chief Competition Policy Division Federal Communications Commission 445 12 <sup>th</sup> Street, S.W. Washington, D.C. 20554	Gary Remondino* Wireline Competition Bureau Federal Communications Commission 445 12 <sup>th</sup> Street, S.W. Washington, D.C. 20554
Janice Miles* Wireline Competition Bureau Federal Communications Commission 445 12 <sup>th</sup> Street, S.W. Washington, D.C. 20554	

/s/Thomas Jones

\*via e-mail

**Federal Communications Commission****DA 04-2603****APPENDIX B****Acknowledgment of Confidentiality****CC Docket No. 01-338 & WC Docket No. 04-313**

I hereby acknowledge that I have received and read a copy of the Protective Order in the above-captioned proceeding, and I understand it. I agree that I am bound by the Protective Order and that I shall not disclose or use Stamped Confidential Documents or Confidential Information except as allowed by the Protective Order. I acknowledge that a violation of the Protective Order is a violation of an order of the Federal Communications Commission.

Without limiting the foregoing, to the extent that I have any employment, affiliation or role with any person or entity other than a conventional private law firm (such as, but not limited to, a lobbying or public interest organization), I acknowledge specifically that my access to any information obtained as a result of the order is due solely to my capacity as Counsel or consultant to a party or other person described in paragraph 5 of the foregoing Protective Order and that I will not use such information in any other capacity nor will I disclose such information except as specifically provided in the Protective Order.

I hereby certify that I am not involved in "competitive decision-making" as that term is used in the definition of In-House Counsel in paragraph 2 of the Protective Order.

I acknowledge that it is my obligation to ensure that: (1) Stamped Confidential Documents and Confidential Information are used only as provided in the Protective Order; and (2) Stamped Confidential Documents are not duplicated except as specifically permitted by the terms of paragraph 10 of the Protective Order. I certify that I have verified that there are in place procedures, at my firm or office, to prevent unauthorized disclosure of Stamped Confidential Documents or Confidential Information.

Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Protective Order.

Executed at WASHINGTON, D.C. this 14 day of SEPTEMBER, 2004

[Name]

[Position]

[Address]

[Telephone]

JASON OXMAN

GENERAL COUNSEL

AT&amp;T

888 17<sup>TH</sup> ST NW12<sup>TH</sup> FLOOR

WASHINGTON DC 20005

202 469 2587

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CC Docket No. 01-338 &amp; WC Docket No. 04-313

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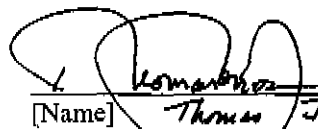
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Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Protective Order.

Executed at Washington, D.C. this 15 day of September, 2004

  
[Name] Thomas Jones  
[Position] Partner, Wilkie Farr & Gallagher LLP

[Address] 1875 K St., N.W. Washington, 20006  
[Telephone] 202-303-1111

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Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Protective Order.

Executed at Washington D.C. this 15<sup>th</sup> day of September, 2004

  
[Name] Jonathan Lachter  
[Position] Associate, Willkie, Farr & Gallagher  
[Address] 1875 K St. N.W.  
[Telephone] 202-303-1111